Address 701 Fifth Avenue Suite 6300 Seattle, WA 98104

tetephone 206,622,4900 factimite 206,682,6031 wabsize Seed/P.com

# BEST AVAILABLE COPY



Facsimile T	Facsimile Transmission				
To;	Valerie Kinard				
Fax No:	(703) 308-7749				
Phone No:	(703) 305-3974				
Re:	U.S. Patent Applica	tion No. 10/705,815			
Your Ref:					
Seed IP Ref:	890050.448				
No. of Pages:	40 (including this pa	age)			
If you do not receiv	/e all pages, please cal	l <u>L. Shockey</u> at (206) 622-49	00 or fax our office.		
X Urgent	X For Review	X Please Confirm Receipt	Please Reply ASAP		
Comments: Attached we are December 15, 2		owing documents, which	ı were filed on		
Transmittal Form	m (1 page)				
Fee Transmittal	(1 page)(+copy)				
Petition to Witho	draw Holding of Aba	andonment (4 pages)(+c	сору)		
Transmission In	formation:				
Date:	Time:	Ву:			

#### **CONFIDENTIALITY NOTICE:**

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Facsimile T	ransmission	January 25, 2005
To:	Valerie Kinard	
Fax No:	(703) 308-7749	
Phone No:	(703) 305-3974	
Re:	U.S. Patent Application No. 10/705,815	
Your Ref:		
Seed IP Ref:	890050.448	
No. of Pages:	38 (including this page)	
If you do not receive	ve all pages, please call <u>L. Shockev</u> at (206) 622-490	00 or fax our office.
X Urgent	X For Review Please Confirm Receipt	Please Reply ASAP

address 701 Fifth Avenue Suite 6300 Seattle, WA 98104 caluphonu 206.622,4900

wateles Seedi P.com

factimus 206.682.603 |

Comments:

Attached we are resending the following documents, which were filed on December 15, 2004:

Transmittal Form (1 page)

Fee Transmittal (1 page)(+copy)

Petition to Withdraw Holding of Abandonment (4 pages)(+copy)

ndoress 701 Fifth Avenue Suite 6300 Seattin, WA 98104

Joealmile 206.622.4900 Joealmile 206.682.603 | Wobsite Smediff.com Seed

Facsimile T	ransmission	January 25, 2005						
То:	Valerie Kinard							
Fax No:	(703) 308-7749							
Phone No:	(703) 305-3974		_					
Re:	U.S. Patent Applica	tion No. 10/705,815						
Your Ref:								
Seed IP Ref:	890050.448	90050.448						
No. of Pages:	38 (including this pa	ige)						
If you do not receiv	ve ali pages, please cal	L. Shockey at (206) 622-49	000 or fax our office.					
X Urgent	X For Review	X Please Confirm Receipt	Please Reply ASAP					
Comments:								
		owing documents, which	n were filed on					
December 15, 2	2004:							
Transmittal Forr	n (1 page)							
Fee Transmittal	(1 page)(+copy)							
Petition to Witho	Iraw Holding of Aba	andonment (4 pages)(+c	сору)					
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Date:	Time:	Ву:						

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TX REPORT

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CONNECTION TEL

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RESULT

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### Facsimile Transmission

**December 15, 2004** 

To: OIPE Customer Service

Fax No: (703) 308-7751

Phone No:

Re: U.S. Patent Application No. 10/705,815

Your Ref:

Seed IP Ref: 890050.448

No. of Pages: 35 (including this page)

If you do not receive all pages, please call L. Shockey at (206) 522-4900 or fax our office.

X Urgent

X For Review

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Please Reply ASAP

Comments:

Transmittal Form (1 page)

Fee Transmittal (1 page)(+copy)

Petition to Withdraw Holding of Abandonment (4 pages)(+copy)

Seed Intellectual Property Law Group PLLC

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Facsimile T	ransmission	December 15, 2004
To:	OIPE Customer Service	
Fax No:	(703) 308-7751	
Phone No:		
Re:	U.S. Patent Application No. 10/705	,815
Your Ref:		
Seed IP Ref:	890050.448	
No. of Pages:	35 (including this page)	
If you do not receive	ve all pages, please call <u>L. Shockey</u> at (2	206) 622-4900 or fax our office.
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Transmission li		
Date: 12/15	Time: 14:39	By:

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# TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

Application Number	10/705,815	
Filing Date	November 10, 2003	
First Named Inventor	Narutoshi Fukuzawa	
Art Unit	1752	
Examiner Name		
Attorney Docket No.	890050.448	

	EN	ICLOSURES (check all that app	oly)			
Fee Transmittal F  Fee Attached Amendment/Resp After Final Affidavits/dec Extension of Time Express Abandon Request Information Disclo Statement; Form Cited References Certified Copy of Document(s) Response to Miss under 37 C.F.R. 1 Response to Miss Parts/Incomplete	corm claration(s) e Request ment osure PTO-1449 Priority sing Parts 1.52 or 1.53 sing	Drawing(s) Request for Corrected Filing Receipt Licensing-related Papers Petition Petition to Convert to a Provisional Application Power of Attorney, Revocation, Change of Correspondence Address Declaration Statement under 37 CFR 3.73(b) Terminal Disclaimer Request for Refund CD, Number of CD(s) Landscape Table on CD		After Allowance Communication to TC Appeal Communication to Board of Appeals and Interferences Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter Return Receipt Postcard Other Enclosure(s) (please identify below): Copy of Notice of Abandonment		
	SIGNATUR	E OF APPLICANT, ATTORNEY	OR A	GENT		
Firm Name S		ctual Property Law Group PLLC		Customer Number 00500		
Signature	Plan	<u> </u>		·		
	Hai Han, Ph.I	D.				
Date C	December 15	5, 2004 Reg.	No.	54,150		
addressed to: Compshown below.	1 0					
Signature  Typed or printed nar	ne lau	alexa C. III		: December 15, 2004		
		Date: December 15, 2004  R 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USP)				

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including galaxing, proparing, and submitting the comploted application form to the USPTO. Time will very depending upon the individual case. Any commants on the amount of the type of the complete this form and/or suggestions for reducing this burden, should be cent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commorce, P.O. Box 1450, Alexandria, VA 22313-1450.

ON NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissionar for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Fees pursuant to the C	Effective on 12.	. 34. Salione Act 200	14 /H P 404P1			nplete if Kno	wn	
`			_	Application	Number	10/705,815		
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	+0F F Y 7005 F					Narutoshi Fi	JKUZAWA	
			050 4 07	<del>-   -</del>	Examiner Name Art Unit 1752			
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FEE CALCULATION	N			,				
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Design Provisional	200	100	0	0	0	0		
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SUBMITTED BY								
Signature	11 _	· -		Registration No.	54,150	Telephone	206-622-4900	
	ra	$\sim$		Attorney/Agent)				
Name (Priπt/Type)	Hai Han, Ph.	J.				Date	December 15, 2004	

Fees pursuant to the C	Effective on 12/0		05 (H.R. 481	(8)	Complete if Known				
•				Application	Number	10/705,815			
•	TRANS	•	<b>₹</b> L	Filing Date	11	<del></del>	November 10, 2003  Narutoshi Fukuzawa		
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Applicant claims :		(\$)130	CFK 1.2	Attorney Do	cket No	890050.448			
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☐ Check ☐ Cre ☐ Deposit Account		ccount Numb		-		Seed IP Law	Group PLLC		
<b>—</b> · ,	•		_	r is hereby authoriz					
_	e(s) indicated t		IC DCO	_ `	-		pt for the filing fee		
= *	y additional fee		payments	<u> </u>	• •		t any overpayments		
0 0	nder 37 CFR 1		•						
Warning: Information on this form may become public. Credit card information should not be included on this form.  Provide credit card information and authorization on PTO-2038.									
FEE CALCULATION									
1. BASIC FILING, S	SEARCH, AND	EXAMINAT	ION FEE	S					
FILING FEES SEARCH FEES EXAMINATION FEES									
		Small Er	ntity	Small Entity	Ĺ	Small Entity			
<b>Application Type</b>	<u>Fee (\$)</u>	Fee (\$)	Fee (	<u>\$)</u>	Fee (\$)	<u>Fee (\$)</u>	Fees Paid (\$)		
Utility	300	150	500	250	200	100			
Design	200	100	100	<b>50</b>	130	65			
Provisional	200	100	0	0	0	. 0			
2. EXCESS CLAIM	FEES						Small Entity		
Fee Description							Fee (\$)		
Each claim over 20 or	r, for Reissues,	each claim ov	er 20 and	more than in the orig	ginal patent		50 25		
Each independent cla	im over 3 or, fo	r Reissues, ea	ach indepe	endent claim more th	an in the or	iginal patent	200 100		
Multiple dependent d	aims						360 180		
Total Claims	Extra Cla	<u>ims</u>	Fee (\$)	<u>Fee Paid</u>	<u>(\$)</u>	Multiple	Dependent Claims		
-20 or HP	=	X		=		<u>Fee (\$)</u>	Fee Paid (\$)		
HP = highest number	er of total claim	s paid for, if g	greater tha	an 20					
Indep. Claims	Extra Cla	ims 1	Fee (\$)	<u>Fee Paid</u>	<u>(\$)</u>				
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HP = highest number	er of total claim	s paid for, if g	realer tha	an 3					
3. APPLICATION S	IZE FEE								
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4. OTHER FEE(S)							Fees Paid (\$)		
Non-English Specific	ation, \$130 fe	e (no small e	ntity disco	ount)					
Other: Processing			•	•			<u>130</u>		
SUBMITTED BY									
Signature	Ha			Registration No. (Attorney/Agent)	54,150	Telephone	206-622-4900		
Name (Print/Type)	Hai Han, Ph.I	D.				Date	December 15, 2004		

**PATENT** 

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

December 15, 2004

Date

Laura C. Shockey

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicants** 

Narutoshi Fukuzawa

Application No.

10/705,815

Filed

November 10, 2003

For

OPTICAL RECORDING DISK, METHOD FOR

MANUFACTURING OPTICAL RECORDING DISK AND

OPTICAL RECORDING AND REPRODUCING METHOD FOR

OPTICAL RECORDING DISK

Docket No.:

890050.448

Date

December 15, 2004

FAX (703) 308-7751

OIPE Customer Service Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

# PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R 1.181(a)

#### Commissioner for Patents:

Submitted herein is a petition in reply to the Notice of Abandonment mailed on November 29, 2004. According to the Notice, the application became abandoned for failure to reply or properly reply to the Notice to File Missing Parts mailed on February 23, 2004. Our office never received the Notice to File Missing Parts. Applicant respectfully contends that the

Application No. 10/705,815

Reply to Notice of Abandonment dated November 29, 2004

application is not in fact abandoned because Applicant has never received the Office Communication at issue.

Applicant hereby provides the following information to satisfy the requirements as specified in MPEP §711.03(c) (I)(A) regarding a grantable petition to withdraw holding of abandonment based on failure to receive office action or communication.

The following are the procedures at Seed IP Law Group for processing mail and docketing PTO due dates:

- a. Mail is received in the office, all USPTO correspondence is sent directly to docketing department;
- b. Docketing personnel make an independent review of the documents and produce an independent calculation of due dates (without the use of a computer);
- c. Docketing personnel enter the base date (date mailed from USPTO) into our CPI (Computer Packages Inc.) database and select the appropriate template from the CPI system with the required date calculations programmed for each template;
- d. Docketing personnel compare the independent calculation date with the CPI generated date for accuracy;
- e. Docketing personnel forward a copy of the "print screen" with all due dates listed along with the USPTO correspondent to assigned Legal Assistant;
- f. The legal assistant reviews the docketing department's due date and enters the due date on to a paper calendar;
- g. The legal assistant enters the USPTO correspondence into the appropriate file, and updates file index listing the date mailed from the USPTO and the due date.

Attached hereto are copies from our docketing department showing all actions/reminders entered into CPI with a base date of February 23, 2004 as well as a copy of filing missing parts due on April 23, 2004. A copy of the legal assistant's desk calendar showing

Application No. 10/705,815
Reply to Notice of Abandonment dated November 29, 2004

the due dates for the month of April 2004 is enclosed as well as a copy of the file index showing all correspondence to and from the USTPO for this matter.

Upon a strict review of our docketing department's records, the Legal Assistant's desk calendar, the file, and file index, I believe that the Notice to File Missing Parts was not received in our office at anytime.

To complicate the matter further, the postcard sent with the original application was returned to us on November 23, 2003 and it bore a wrong application number (shown as 10/706,228) and a wrong filing date (shown as November 12, 2003). A copy of the returned postcard is attached hereto. Our docketing department noted the error regarding the date on the postcard. However, at the time we had no way of knowing that the application number was also wrong.

After several months passed and the filing receipt was not received, we phoned the U.S. Patent Office on October 19, 2004. The U.S. Patent Office personnel at no time mentioned that there was an outstanding Notice, but merely indicated that a filing receipt would be mailed out to us. We received the official filing receipt on October 22, 2004 (enclosed herein), on which both the application number and the filing date were different from the postcard, and we believe are the correct numbers. However, the filing receipt was not accompanied by the Notice to File Missing Parts. We then received Notice of Abandonment mailed on November 29, 2004, but have never received the Notice to File Missing Parts.

Based on the showing as outlined above, I believe that the Notice to File Missing Parts was never received at our office. Any attempt to investigate the matter ourselves was also hampered by the fact that we did not have a correct application number until October 22, 2004, at which time the due date for replying to the Notice to File Missing Parts had passed unbeknownst to us.

Applicants submits herewith the processing and retention fee as set forth in  $\S1.53(f)$ . No petition fee is believed due at this time.

Application No. 10/705,815
Reply to Notice of Abandonment dated November 29, 2004

Applicants hereby request that the petition be granted based on failure to receive an Office Communication and this application be processed and retained.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

Hai Han, Ph.D.

Registration No. 54,150

#### HXH:lcs

#### Enclosures:

Docketing records with the base date of February 23, 2001

Docketing records with the due date for filing missing parts on April 23, 2002

Copy of Legal Assistant's calendar for April 2004

Copy of File Index

Copy of Returned Postcard

Copy of Official Filing Receipt

Copy of Notice of Abandonment

701 Fifth Avenue, Suite 6300 Seattle, Washington 98104-7092 Phone: (206) 622-4900

Fax: (206) 682-6031

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210121- 45501PL	Pending	P-354348	4/3/2000	Complete the Filing	Authorization; Priority Documents	2/23/2004	2/23/2004
130109-507	Pending	10/693672	10/23/2003	Check Status	Check Status	2/23/2004	2/23/2004
260006- 443EP	Pending	02734559.4	5/28/2002	Response	Re: Amend Claims	2/23/2004	2/23/2004
690068- 448CA	Pending	2321929	2/23/1999	Request Examination	Request Examination	2/23/2004	2/23/2004
760100- 433EP	Pending	99949529.4	6/1/1999	Response	Office Action - 96(2)	2/23/2004	2/23/2004
690068- 448KR	Pending	00-7009330	2/23/1999	Request Examination	Further Instructions - Request Examination	2/23/2004	2/23/2004
320043- 430EP	Published	98958674.8	11/20/1998	Send file to Docketing for Review	Send file to Docketing for Review	3/8/2004	2/23/2004
320043-406JP	Expired	21386/83	2/10/1983	Send file to Docketing for Review	Send file to Docketing for Review	3/8/2004	2/23/2004
320043- 406EP	Converted	83100398.3	1/18/1983	Send file to Docketing for Review	Send file to Docketing for Review	3/8/2004	2/23/2004
320043-406IL	Abandoned	67810		Send file to Docketing for Review	Send file to Docketing for Review	3/8/2004	2/23/2004
320043- 421EP	Converted	94202615.4	,		Send file to Docketing for Review	3/8/2004	2/23/2004
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320043- 421NL	Granted	94202615.4	9/12/1994	Send file to Docketing for Review	Send file to Docketing for Review	3/8/2004	2/23/2004
320043- 419EP	Converted	93202220.5	7/26/1993	Send file to Docketing for Review	Send file to Docketing for Review	3/8/2004	2/23/2004
320043- 419FR	Granted	93202220.5	7/26/1993	Send file to Docketing for Review	Send file to Docketing for Review	3/8/2004	2/23/2004
320043- 419DE	Granted	93202220.5	7/26/1993	Send file to Docketing for Review	Send file to Docketing for Review	3/8/2004	2/23/2004
320043- 419GB	Granted	93202220.5	7/26/1993	Send file to Docketing for Review	Send file to Docketing for Review	3/8/2004	2/23/2004
320043- 416FR	Granted	92201251.3	5/4/1992	Send file to Docketing for Review	Send file to Docketing for Review	3/8/2004	2/23/2004
320043- 416DE	Granted	92201251.3	5/4/1992	Send file to Docketing for Review	Send file to Docketing for Review	3/8/2004	2/23/2004
320043- 416NL	Granted	92201251.3	5/4/1992	Send file to Docketing for Review	Send file to Docketing for Review	3/8/2004	2/23/2004
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320043- 415DE	Granted	91201952.8	7/25/1991	Send file to Docketing for Review	Send file to Docketing for Review	3/8/2004	2/23/2004
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March 2004

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#### PATENT APPLICATION INDEX

Docket No.:

890050.448

Client Ref. No.: US03-071

Inventor:

Narutoshi Fukuzawa

Invention Title:

OPTICAL RECORDING DISK, METHOD FOR MANUFACTURING OPTICAL

RECORDING DISK AND OPTICAL RECORDING AND REPRODUCING METHOD FOR

OPTICAL RECORDING DISK

U.S. Filing Date:

November 10, 2003

November 10, 2003

U.S. Application No.: Examiner:

Phone No.:

(703)

Art Unit:

Priority Document:

Japanese App. No. 2002-327258, filed November 11, 2002

cert. copy filed w/USPTO:

November 10, 2003

Small Entity: Assigned To: NO

TDK Corporation, recorded on, at Reel, Frame

	Document	Date Filed with PTO	Date Mailed from PTO	Due Datc
1.	Check; PTO/SB/05; PTO/SB/17; ADS; Application; Preliminary Amendment; PTO-1595; Assignment; Japanese Certified Priority Document; IDS; PTO-1449; 9 Cited References – filed MP	11/10/03		
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Express Mail No. E v336611461US

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Filing Date
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Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 SENT: November 10, 2003 NEW APPLICATION

17497 U.S. PTO 10/706228



Application Number

### PLEASE STAMP WITH APPLICATION NO. AND RETURN

Kindly acknowledge receipt of the below-listed documents by placing your receiving stamp hereon and mailing:

Check; Utility Patent Application Transmittal; Fee Transmittal Form (+copy); Application Data Sheet; Spec., Claims, Abstract (63 pages); 1 Sheets of Drawings (Fig. 1); Preliminary Amendment; Form PTO-1595; Assignment; Japanese Certified Priority Document; IDS; PTO-1449; 9 Cited References in re: Narutoshi Fukuzawa, for OPTICAL RECORDING DISK, METHOD FOR MANUFACTURING OPTICAL RECORDING DISK AND OPTICAL RECORDING AND REPRODUCING METHOD FOR OPTICAL RECORDING DISK.

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**CONFIRMATION NO. 6308** 

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**FILING RECEIPT** OC0000000119459871

OCT 2 2 2004

Date Mailed: 02/23/2004

Seed Intellectual Property

Law Group PLLC

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Narutoshi Fukuzawa, Chuo-ku, JAPAN;

Assignment For Published Patent Application

TDK Corporation, Chuo-ku, JAPAN;

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2002-327258 11/11/2002

If Required, Foreign Filing License Granted: 02/19/2004

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Optical recording disk, method for manufacturing optical recording disk and optical recording and reproducing method for optical recording disk

**Preliminary Class** 

430

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#### NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



### United States Patent and Trademark Office

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ATTY, DOCKET NO./TITLE FIRST NAMED APPLICANT FILING OR 371(C) DATE APPLICATION NUMBER 890050,448

10/705.815

11/10/2003

Narutoshi Fukuzawa

**CONFIRMATION NO. 6308** ABANDONMENT/TERMINATION LETTER

00500 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 6300 SEATTLE, WA 98104-7092

\*OC000000014622839\*

Date Mailed: 11/29/2004

### NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 02/23/2004.

No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the aboveidentified Notice; (3) the petition fee set forth in 37 CFR 1.17(1); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the aboveidentified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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